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**OFFICE OF PETITIONS**

In re Application of	:	
Jun WANG et al.	:	
Application No. 10/792,062	:	ON PETITION
Filed: March 2, 2004	:	
Attorney Docket No. 030157	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 23, 2008, to revive the above-identified application. The renewed petition was filed within two months of the April 23, 2008 decision on the petition filed 11-1-07.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 13, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is May 14, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$ 810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$ 1540; and (3) a proper statement of unintentional delay.


The petition filed 11-02-07 included the petition fee of \$1540. Since the \$1540 petition fee need only be paid once, the petition fee charged with respect to the petition resubmitted 6-23-08 is unnecessary and will be credited to petitioner's deposit account.

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It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Karin Reichle at (571) 272-6051.

This application is being referred to Technology Center AU 2617 for processing and for appropriate action by the Examiner in the normal course of business.

  
David Bucci  
Petitions Examiner  
Office of Petitions